

# CALFRESH (CF) PROGRAM

## REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

|   |  |  |                   |
|---|--|--|-------------------|
| 1. RESPONSE NEEDED DUE TO:  |  | 5. DATE OF REQUEST:  | NEED RESPONSE BY: |
| <input checked="" type="checkbox"/> Policy/Regulation Interpretation<br><input type="checkbox"/> QC<br><input type="checkbox"/> Fair Hearing<br><input type="checkbox"/> Other:   |  | 8-21-2012  | ASAP              |
| 2. REQUESTOR NAME:  |  | 6. COUNTY/ORGANIZATION:  |                   |
| 3. PHONE NO.:   |  | San Luis Obispo County Social Services   |                   |
| 4. REGULATION CITE(S):  |  | 7. SUBJECT:  |                   |
| 63-502.144 and 63-402   |  | Income from Spouse not living with Household   |                   |
| 9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):  |  | 8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)   |                   |
| Question 1: If a husband is living in another state while looking for work, and is expected to be gone for over 30 days, is he considered part of the CalFresh household with his wife or children or not?<br><br>Question 2: If a husband is living in another state while looking for work is receiving UIB, and the UIB is being directly deposited into a joint account, and the wife is using this money to pay the household's bills, are these deposits considered unearned income to the household? |  | NOTE: All requests must have a regulation cite(s) and/or a reference(s).<br><br>ACIN I-42-07 re: contributions (?) |                   |

### 10. REQUESTOR'S PROPOSED ANSWER:

Proposed Answer 1: The husband can not be part of the CalFresh household with his wife and children because he is not residing with them, and eating meal with them.

Proposed Answer 2: The direct deposits of the husband's UIB into the joint account which is available and being used by his wife are considered unearned income to the CalFresh household based on 63-502.144>

### 11. STATE POLICY RESPONSE (CFPB USE ONLY):

State concurs with the proposed responses.

As stated in ACIN I-52-02, if a CalFresh participant or a member of a CalFresh household leaves the country or state due to an emergency, is there a time limit on how long that individual or household member can be gone without the CalFresh benefits being affected?

#### ANSWER:

CalFresh regulations provide, with certain exceptions, that a household shall consist of persons who live together and customarily purchase food and prepare meals together for home consumption (MPP 63-402.13). Eligibility is determined on a monthly basis and household composition is an eligibility factor. Therefore, persons included in the

### FOR CDSS USE

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|----------------|-------------------------------|
| DATE RECEIVED: | DATE RESPONDED TO COUNTY/ALJ: |
|----------------|-------------------------------|

**CALFRESH (CF) PROGRAM  
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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|---|---|---------------------------|
| 1. RESPONSE NEEDED DUE TO:<br><input checked="" type="checkbox"/> Policy/Regulation Interpretation<br><input type="checkbox"/> QC<br><input type="checkbox"/> Fair Hearing<br><input type="checkbox"/> Other: | 5. DATE OF REQUEST:<br>8-21-2012  | NEED RESPONSE BY:<br>ASAP |
| 2. REQUESTOR NAME:  | 6. COUNTY/ORGANIZATION:<br>San Luis Obispo County Social Services   |                           |
| 3. PHONE NO.:   | 7. SUBJECT:<br>Income from Spouse not living with Household   |                           |
| 4. REGULATION CITE(S):<br>63-502.144 and 63-402   | 8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i><br>NOTE: All requests must have a regulation cite(s) and/or a reference(s).<br>ACIN I-42-07 re: contributions (?) |                           |

household for any month must live with the household and purchase and prepare meals with the household for at least part of the month (MPP 63-402.131). With regard to months when a person is not in the household at all, the person does not fit into the household definition; therefore, he or she cannot be considered a member for that month. However, any of his or her income made available to the household would be counted as income to the household (MPP 63-503.45). Similarly, any of an absent person's resources to which the household has access would be counted as resources of the household for food stamp purposes (MPP 63-501.2 and 63-503.45). Pursuant to MPP 63-505.3 and 63-505.5 households shall report changes in household composition and other relevant circumstances affecting eligibility.